

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
San Francisco Division

STARK DRIVE LLC,
Plaintiff,

v.

CHRISTIAN ADEL MICHAEL, et al.,
Defendants.

Case No. 18-cv-04904-LB

ORDER DISMISSING CASE

Re: ECF No.

The plaintiff is Stark Drive, LLC, a limited liability company registered in New Jersey with its principal place of business in Stockholm, Sweden.¹ The defendants are Mate.Bike International (incorporated in Denmark) and its founder, Christian Michael, a resident of Denmark.² Both companies offered similar electronic bicycles (called eBikes) on Indiegogo, an online crowdfunding platform.³ Stark Drive sued Mate for state-law unfair competition claims and, as a basis for federal jurisdiction, claimed (1) misrepresentation of copyright in violation of 17 U.S.C. § 512(f) based on an alleged Digital Millennium Copyright Act (“DMCA”) notice that the

¹ Am. Compl. – ECF No. 28 at 2 (¶ 4). Citations refer to material in the Electronic Case File (“ECF”); pinpoint citations are to the ECF-generated page numbers at the top of documents.

² *Id.* (¶¶ 5, 6).

³ *Id.* at 4 (¶11–12).

1 defendants sent to Indiegogo, which then canceled Stark Drive's campaign, and (2) misuse of
2 copyright in violation of 17 U.S.C. § 512 by those same acts.⁴ The court twice granted the
3 defendants' motions to dismiss for lack of federal jurisdiction, declined to exercise supplemental
4 jurisdiction over the state-law claims, and dismissed the complaint without prejudice to the
5 plaintiff's asserting the state-law claims in state court.⁵ In its second dismissal order on March 1,
6 2019, and at Stark Drive's request, it gave Stark Drive 21 days leave to amend to plead a Lanham
7 Act claim.⁶ Stark Drive did not file an amended complaint.

8 As set forth in the March 1, 2019 order, the court dismisses the case for lack of federal
9 jurisdiction and declines to exercise supplemental jurisdiction over the state claims. The dismissal
10 of the state claims is without prejudice to the plaintiff's asserting them in state court.

11 **IT IS SO ORDERED.**

12 Dated: May 19, 2019



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14 LAUREL BEELER
United States Magistrate Judge
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26 ⁴ *Id.* at 1 (¶ 1); *see also* Compl. – ECF No. 1.

27 ⁵ Mot. – ECF No. 12; Mot. – ECF No. 29; Order – ECF No. 27; Order – ECF No. 55. All parties
consented to magistrate-judge jurisdiction. Consent Forms – ECF Nos. 8, 15.

28 ⁶ Order – ECF No. 55 at 10.